

## Message Text

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PAGE 01 STATE 080101

21

ORIGIN SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-02 /014 R

DRAFTED BY SCA:SCS:WPCHASE:SAS

APPROVED BY SCA:TMRECKNAGEL

L/SCA - EKERLEY

ARA/MEX - JDREYFUSS

----- 048327

R 082338Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

AMCONSUL CIUDAD JUAREZ

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MATAMOROS

AMCONSUL MAZATLAN

AMCONSUL MERIDA

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

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E.O. 11652:N/A

TAGS: CASC

SUBJECT: OFFICIAL REPRESENTATIONS TO MEXICAN AUTHORITIES

IN CASES OF MALTREATMENT OF AMERICAN PRISONERS

1. DEPARTMENT REQUESTS CONFIRMATION OF PROCEDURES BEING FOLLOWED BY EMBASSY AND CONSTITUENT POSTS FOR MAKING REPRESENTATIONS TO MEXICAN AUTHORITIES RE INCIDENTS ALLEGING ANY FORM OF MISTREATMENT OF AMERICAN PRISONERS. WE UNDERSTAND PROTECTION PROCEDURES ARE AS FOLLOWS:

(A) ORIGINAL REPORT OF EACH DETENTION OR ARREST OF AN AMERICAN CITIZEN IS SUBMITTED TO DEPARTMENT BY TELEGRAM REPEATED TO EMBASSY FOR INFORMATION. SIGNIFICANT SUBSEQUENT DEVELOPMENTS LIKEWISE REPORTED BY CABLE.

UNCLASSIFIED

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PAGE 02 STATE 080101

(B) INCIDENTS TO BE BROUGHT TO ATTENTION OF MEXICAN AUTHORI-

TIES INCLUDE (1) ANY ARREST IN WHICH AUTHORITIES FAIL TO NOTIFY CONSULAR OFFICER WITHIN THREE DAYS OF DETENTION; (2) COMPLAINTS BY DETAINEE OF MISTREATMENT AT TIME OF ARREST OR SUBSEQUENTLY; (3) PRETRIAL DETENTION LASTING OVER ONE YEAR; AND (4) ANY OTHER COMPLAINT THAT PRISONER'S HUMAN RIGHTS HAD BEEN VIOLATED.

(C) EACH FAILURE TO NOTIFY CONSULAR OFFICER WITHIN THREE DAYS OF ARREST IS PROTESTED BY THE POST WHERE THE INCIDENT OCCURRED AND SIMULTANEOUSLY BY THE EMBASSY. PROTEST IS MADE AUTOMATICALLY IN EVERY CASE INVOLVING GOM FAILURE TO NOTIFY.

(D) EACH INSTANCE OF ALLEGED MISTREATMENT, PROLONGED PRE-TRIAL DETENTION OR DENIAL HUMAN RIGHTS IS NOTED IN SUBJECT'S RECORD AND REPORTED TO DEPARTMENT AND EMBASSY WITH INDICATION OF WHAT ACTION IS BEING TAKEN. DETAINEE IS INFORMED OF HIS RIGHTS: (1) IF DETAINEE CONCURS (EITHER ORAL OR WRITTEN) POST MAKES APPROPRIATE REPRESENTATIONS TO LOCAL AUTHORITIES. PHRASING AND TONE OF REPRESENTATIONS CAN REFLECT POST'S VIEW OF SERIOUSNESS AND VERACITY OF COMPLAINT. BECAUSE LOCAL AUTHORITIES MAY WELL BE THOSE RESPONSIBLE FOR CREATING INCIDENT, THE POST MAY ASK

THAT EMBASSY MAKE SUPPORTING REPRESENTATION. IN SUCH CASES, EMBASSY REPORTS TO POST WITH INFORMATION TO DEPARTMENT WHAT ACTION IS TAKEN. (3) IF DETAINEE INDICATES THAT HE DOES NOT REPEAT NOT WANT POST TO MAKE ANY REPRESENTATIONS, THIS REQUEST IS NOTED IN THE RECORD AND THE POST INITIATES NO ACTION. NEVERTHELESS, THE POST CONTINUES TO MONITOR SITUATION.

(E) A SEPARATE CHRONOLOGICAL FILE OF EACH INCIDENT IS MAINTAINED SHOWING WHAT ACTION IS TAKEN. THIS IS IN ADDITION TO RECORDING THE INCIDENT IN THE SUBJECT'S FILE.

(F) WHEN DETAINEE COMPLAINS; OF TORTURE OR PHYSICAL ABUSE, THE POST ARRANGES THAT MEDICAL EXAMINATION BE COMPLETED. ESPECIALLY IF POLICE OR PENAL AUTHORITIES WERE PERHAPS RESPONSIBLE FOR ALLEGED MISTREATMENT, POST OFFERS ARRANGE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 080101

FOR "OUTSIDE" DOCTOR TO CONDUCT AN INDEPENDENT PHYSICAL EXAMINATION UNLESS THE PRISONER SPECIFICALLY REFUSES TO AVAIL HIMSELF OF THIS OPPORTUNITY.

2. IF THE PRISONER COMPLAINS OF CONDITIONS OVER WHICH THE POLICE AND PRISON AUTHORITIES HAVE LITTLE OR NO CONTROL, FOR EXAMPLE, RIP-OFFS BY DEFENSE ATTORNEYS, DETAINEE IS ASKED TO PRESENT EVIDENCE TO SUPPORT HIS CLAIM. EACH

SUCH CASE IS REPORTED TO DEPARTMENT AND EMBASSY WITH  
COPIES OF SUPPORTING EVIDENCE AND POST'S EVALUATION AND  
RECOMMENDATIONS. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
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**Disposition Comment:**  
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**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Referrals:** n/a  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** OFFICIAL REPRESENTATIONS TO MEXICAN AUTHORITIES IN CASES OF MALTREATMENT OF AMERICAN PRISONERS  
**TAGS:** CASC, MX  
**To:** MEXICO MULTIPLE  
**Type:** TE  
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